UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,491	06/06/2001	Toyokazu Sugai	1163-0340P	5202

				EXAMINER
2292	7590	06/15/2006		CHOWDHURY, SUMAIYA A

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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/857,491	SUGAI, TOYOKAZU
		Examiner	Art Unit
		Sumaiya A. Chowdhury	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,8-10 and 14-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,8-10 and 14-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *11-25-03*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Response to Arguments

1. Applicant's arguments filed 7/21/05 have been fully considered but they are not persuasive.

(a) Applicant argues "Applicants respectfully submit ... or sorted into multiple sub-groups" on page 9, 2nd and 3rd paragraph of the amendment filed 7/21/05.

In the claim, Applicant claims that the amount of information in the table is adjusted. Kaneko **does** meet this limitation. Kaneko teaches that the sub-tables are divided into sub-groups (See col. 17, lines 10-15). Therefore, the amount of information in the table **is** adjusted. Applicant further argues "the content of each sub-table is the same regardless of whether the sub-tables are in a single group, or sorted into multiple sub-groups". In response, the Applicant **did not** claim that the content itself is altered, rather that an amount of information is adjusted which Kaneko clearly teaches.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8-10, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated

by Kaneko (6505347).

As for claim 1, Kaneko teaches a data sending-out device, in which associated

data associated with and multiplexed with main data is produced and sent out,

comprising:

producing means for producing the associated data of a prescribed type (25 -

Fig. 4, col. 12, lines 33-52); and

sending-out means for transforming the associated data of the prescribed type

produced by the producing means into a bit stream and sending out the associated data

transformed into the bit stream (TS packetizing circuit - Fig. 4, col. 12, lines 33-53. "a

desired data rate" within "a desired transmission bandwidth" would be equal to or lower

than a prescribed upper limit bit rate);

wherein the main data is a broadcast program (col. 1, lines 16-19), a type of

tables or a plurality of types of tables based on electronic program guide information of

the broadcast program are produced as the associated data by the producing means

(25 – Fig. 4, col. 12, lines 33-52, col. 13, lines 12-43) by adjusting an amount of

information in the type of table so as to send out the types of tables at the sending-out

rate equal to or lower than the prescribed upper limit bit rate and to send out each type

of tables at a sending-out frequency equal to or higher than a specific sending-out

frequency of the type of tables, the type of tables or the types of tables are transformed

into the bit stream by the sending-out means, and the type of tables or the types of

tables transformed into the bit stream are sent out at the sending-out rate equal to or

lower than the prescribed upper limit bit rate and at the sending-out frequencies equal

to or higher than the specific sending-out frequencies of the types of tables by the

sending-out means (col. 17, lines 10-27; If a sub-table, which is a type of table, contains

too much data, it is divided into sub-groups. Dividing into sub-groups is adjusting the

amount of information in the type of table).

As for claim 8, Kaneko teaches wherein the types of tables are produced by

the producing means by adjusting the amounts of information in the types of tables

according to a plurality of priorities of the types of tables so as to be sent out at the

sending-out rate equal to or lower than the prescribed upper limit bit rate and at the

sending-out frequencies equal to or higher than the specific sending-out frequencies of

the types of tables (See Col. 14 lines 18-67, Col. 15 lines 1-47 The version generator

determines, based on priority, whether or not to produce a new version of a table.

Producing a different version of a table is adjusting the amount of information in the

table. This process is directly related to the determination of transmission cycles).

As for claim 9, Kaneko teaches wherein the types of tables are produced by

the producing means by adjusting the amounts of information in the types of tables

according to a plurality of sending-out frequency reduction rates of the types of tables

so as to be sent out at the sending-out rate equal to or lower than the prescribed upper

limit bit rate and at the sending-out frequencies equal to or higher than the specific

sending-out frequencies of the types of tables (See Col. 15 lines 20-67, Col. 16 lines 1-67, Col. 17 lines 1-27 If a sub-table, which is a type of table, contains too much data, it is divided into sub-groups. Dividing into sub-groups is adjusting the amount of information in the type of table).

As for claim 10, Kaneko teaches wherein the types of tables are produced by the producing means by adjusting the amounts of information in the types of tables according to a plurality of sending-out frequency reduction rates of the types of tables so as to be sent out at the sending-out rate equal to or lower than the prescribed upper limit bit rate and at the sending-out frequencies equal to or higher than the specific sending-out frequencies of the types of tables (See Col. 15 lines 20-67, Col. 16 lines 1-67, Col. 17 lines 1-27 If a sub-table, which is a type of table, contains too much data, it is divided into sub-groups. Dividing into sub-groups is adjusting the amount of information in the type of table).

As for claim 14, Kaneko teaches wherein the type of table or the types of tables are again produced in cases where it is impossible to send out the type of table or the types of tables at the sending-out rate equal to or lower than the prescribed upper limit bit rate or it is impossible to send out each type of tables at a sending-out frequency equal to or higher than a specific sending-out frequency of the type of tables (See Col. 14 lines 32-46 Tables are continuously produced as information is updated, so tables are "again produced" in all cases).

As for claims 15 and 16, Kaneko teaches wherein the amount of information in at least one type of table is calculated prior to the production of the at least one type of the at least one type of table, and the at least one type of table is produced by the producing means by adjusting the amount of information in the at least one type of table so as to send out the types of tables at the sending-out rate equal to or lower than the prescribed upper limit bit rate and to send out each type of tables at the sending-out frequency equal to or higher than the specific sending-out frequency of the type of tables (See Col. 17 lines 10-27 If it is calculated that a sub-table, which is a type of table, contains too much data, it is divided into sub-groups. Dividing into sub-groups is adjusting the amount of information in the type of table).

As for claim 17, Kaneko teaches wherein the amount of information in at least one type of table is calculated prior to the production of the type of table, and the at least one type of table is produced by the producing means by adjusting the amount of information in the at least one type of table so as to send out the types of tables at the sending-out rate equal to or lower than the prescribed upper limit bit rate and to send out each type of tables at the sending-out frequency equal to or higher than the specific sending-out frequency of the type of tables (See Col. 17 lines 10-27 If a sub-table, which is a type of table, contains too much data, it is divided into sub-groups. Dividing into subgroups is adjusting the amount of information in the type of table).

As for claims 18-20, Kaneko teaches wherein, prior to the production of at least one type of table, the amount of information for each type of table information for each type of table information, for which the amount of the electronic program guide information is not predetermined, is detected and added to a summed value in the calculation of the amount of information, the amount of information for each type of table information, for which the amount of the electronic program guide information is predetermined, is read out from a record and is added to the summed value in the calculation of the amount of information, and the amounts of information in the at least one types of table is calculated (See Col. 17 lines 10-15. In both cases, (whether the amount of electronic program guide information is predetermined or not) the amount of information in each type of table is added to a summed value prior to the production of each type of table. This is equivalent to knowing a cumulative amount of information in a table when the tables are produced. The amount of information in one of Kaneko's table is a cumulative amount of information).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sumaiya A. Chowdhury whose telephone number is

(571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SAC

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